

TOWN OF TIVERTON
BUILDING CODE BOARD OF APPEALS

Minutes of July 15, 2009

Members present: Chairman Noel Berg, Secretary Donald Medeiros, Michael Zmich and Scott Toner. Michael James was absent.

Also present were: Gareth Eames-Building/Zoning Official and Attorney Peter Ruggeiro.

The meeting started at 7:30 p.m. with the introduction of boards members. A resolution was adopted that applicants will not be sworn in.

Petition #1 Jason Cousineau

The applicant described the circumstances of the property purchase then the condition of the basement prior to purchase. He further described the condition of the basement at time of purchase as "semi" finished. The basement had been finished in the past. Applicant demolished everything down to the studs. He was advised that he needed a permit to finish.

Decision:

The applicant's modification to the basement and the need for a permit to complete reconstruction of the basement was considered. The board discussed the existing ceiling height limitation, the proposed use of the basement and emergency egress availability. The board granted unanimous approval with conditions on minimum height and use by occupant.

Petition #2 David & Kate Campbell

Attorney Kenneth Tremblay was representing the Tiverton Yacht Club (TYC) and an associate of Mr. Campbell was representing him.

Mr. Campbell stated that this is the 6th season that "temporary structure" has been used and that the structure is not A.D.A. compliant.

Decision:

Mr. Eames stated he was waiting for a written decision from the State Board of Appeals regarding the "temporary structure" issue. He said that he inspected the unit and gave the TYC a list of deficiencies, some of which have been fixed. He also needs to complete additional research on the matter.

Mr. Ruggeiro said the matter should not proceed until Mr. Eames has made a determination.

Mr. Toner made a motion to continue the matter to the next scheduled meeting in order to allow Mr. Eames time to complete his research. Mr. Medeiros seconded. The vote was unanimous.

Petition #3 Patrick O'Connor

The applicant presented facts and proposed building drawings. He explained his reasons for not wanting to comply with the Code.

Decision:

The board felt that this is an important safety issue for anyone who might use the stairs. Because it is new construction, the applicant had the ability to comply. It's not a major renovation for the applicant to bring the stairs into compliance.

Mr. Zmich made a motion to deny the petitioner's request and that he must adhere to the Code. Mr. Toner seconded. The vote was unanimous.

Administrative Issues:

There were general discussions on procedures and the following were adopted:

Peter Ruggeiro will draft the decisions.

Noel Berg will sign the decisions.

Don Medeiros will draft minutes of the meetings.

Jodi Roy will review, edit and circulate.

The minutes will be finalized and approved within 30 days by vote at the next meeting.

Meetings will be tape recorded to assist with minutes.

The meeting adjourned at 8:40 p.m.